

COUNSEL LISTED ON SIGNATURE BLOCK

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Plaintiffs,

v.

SENORX, INC.,

Defendant.

SENORX, INC.,

Counterclaimant,

v.

HOLOGIC, INC., CYTYC CORP., and
HOLOGIC L.P.,

Counterdefendants.

CASE NO.: C-08-0133 RMW

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
TIME TO RESPOND TO AMENDED
COMPLAINT**

Honorable Ronald M. Whyte

Defendant and Counterclaimant SenoRx, Inc. ("SenoRx") and Plaintiffs and
Counterdefendants Hologic, Inc., Cytac Corp., and Hologic L.P. ("Plaintiffs") hereby submit this
Joint Stipulation and [Proposed] Order under Civil Local Rule 7-12 requesting an extension for
SenoRx to file its answer or otherwise respond to the Amended Complaint in this matter.

1 The current deadline to respond to the Amended Complaint is March 24, 2008. The parties
 2 stipulate and agree that SenoRx may have until April 18, 2008, to file an answer or otherwise
 3 respond to the Amended Complaint, and request that this Court so order. SenoRx seeks this
 4 extension of time because it is currently focused on conducting discovery for and preparing an
 5 opposition (which is due March 28, 2008) to Plaintiffs' motion for preliminary injunction and
 6 therefore needs additional time to prepare its answer or other response to the Amended Complaint.
 7 The parties agree that no prejudice will come to this matter by this extension.

8 Previously in this matter, the parties jointly stipulated to an extension of time to answer or
 9 otherwise respond to the initial complaint, Plaintiffs sought and were granted leave to file their
 10 amended complaint out of time, and SenoRx requested and was granted an extension of time to
 11 conduct discovery and prepare its opposition to Plaintiffs' motion for a preliminary injunction.

12 Respectfully submitted,

13 Dated: March 13, 2008

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26 Attorneys for Defendant and Counterclaimant
 27 SENORX, INC.
 28

1 Dated: March 13, 2008

2 By: s/F.T. Alexandra Mahaney w/permission
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12 Attorneys for Plaintiffs and Counterdefendants
13 HOLOGIC, INC., CYTYC CORPORATION
14 and HOLOGIC LP

15 **ATTESTATION UNDER GENERAL ORDER NO. 45, § X.B.**

16 As required by General Order No. 45, § X.B., I hereby attest that concurrence in the
17 filing of the document has been obtained from the other signatory to this Stipulation.

18 By: s/F.T. Alexandra Mahaney
19 F.T. Alexandra Mahaney
20 amahaney@wsgr.com

21 **[PROPOSED] ORDER**

22 Pursuant to STIPULATION, it is SO ORDERED. The period within which Defendant
23 and Counterclaimant SenoRx, Inc. shall file an answer or otherwise respond to the Amended
24 Complaint in this action is extended to April 18, 2008.

25
26 Date: _____

27 UNITED STATES DISTRICT JUDGE
28

CERTIFICATE OF SERVICE

U.S. District Court, Northern District of California,
Hologic, Inc. et al. v. SenoRx, Inc.
Case No. 08-CV-0133 RMW

I, Kirsten Blue, declare:

I am and was at the time of the service mentioned in this declaration, employed in the County of San Diego, California. I am over the age of 18 years and not a party to the within action. My business address is 12235 El Camino Real, Ste. 200, San Diego, CA, 92130.

On March 17, 2008, I served a copy(ies) of the following document(s):

**JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME TO
RESPOND TO AMENDED COMPLAINT**

on the parties to this action by placing them in a sealed envelope(s) addressed as follows:

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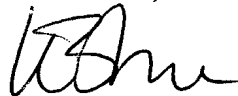
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☐ (BY MAIL) I placed the sealed envelope(s) for collection and mailing by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for mailing with the United States Postal Service, said practice being that, in the ordinary course of business, correspondence with postage fully prepaid is deposited with the United States Postal Service the same day as it is placed for collection.

☐ (BY OVERNIGHT DELIVERY) I placed the sealed envelope(s) or package(s), to the addressee(s) noted above, designated by the express service carrier for collection and overnight delivery by following the ordinary business practices of Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Ste. 200, San Diego, CA. I am readily familiar with WSGR's practice for collecting and processing of correspondence for overnight delivery, said practice being that, in the ordinary course of business, correspondence for overnight delivery is deposited with delivery fees paid or provided for at the carrier's express service offices for next-day delivery the same day as the correspondence is placed for collection.

1 ☒ (BY CM/ECF) I caused such document(s) to be sent via electronic mail through the Case
2 Management/Electronic Case File system with the U.S. District Court for the Northern
3 District of California.

4 I declare under penalty of perjury under the laws of the United States that the above is true
5 and correct, and that this declaration was executed on March 17, 2008.

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Kirsten Blue